Response to Office Action of: 08/18/2006

Response Dated: 09/13/2006

Title: Expandable Penetrating Needle And Method Of Use

App. No.: 10/614,667 Inventor: Victor Katz Examiner: Cris L. Rodriguez

REMARKS/ARGUMENTS

Election Requirement

In furtherance to Applicant's previous election, with traverse, of the

species identified by the Examiner as being embodied in Figures 4a-5c of the

present application, Applicant further states that claims 1, 2, 5, 6, 7-12, 15-17,

20-29 and 32-34 are readable on such species. Applicant inadvertently omitted

this listing of claims in its first response to the Examiner's election/restriction

requirement.

Applicant continues to maintain, however, that Species I and Species II,

as identified by the Examiner, should be examined together in the present

application. Consequently, Applicant reiterates its request that the Examiner

By:

withdraw the election requirement.

Respectfully submitted,

Date: 09/13/2006

/Eric M. Gayan/

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